

**MINUTES OF A REGULAR MEETING  
OF THE  
BOARD OF TRUSTEES  
OF THE  
TOWN OF BUENA VISTA, COLORADO**

**October 13, 2009**

**WORK SESSION**

A work session convened at 6: 18 PM to discuss a FEMA Compliance Plan. Present were Mayor Cara Russell, Trustees Robert Flint, Keith Baker, Joel Benson, Duff Lacy, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Town Planner Shannon Haydin, Town Engineer Rachel Friedman, Town Treasurer Christine DeChristopher & Town Clerk Diane Spomer. Trustees Nyberg and Mitchell were absent.

Town Planner Shannon Haydin referenced a letter from Christina Martinez with the Colorado Water Conversation Board about a complaint of the Town's administration of the flood plain rules and regulations; staff reviewed our permitting and found we were not following the rules. Shannon gave an overview of the program; defined specific terms (FIRM, FEMA, NFIP); outlined the 100-year floodplain; Step 1: if we do not comply they put us on probation and if still out of compliance they revoke our good standing status and no one would be eligible for federally backed loans, homeland security or FEMA grants; as long as we work toward compliance they will work with us; we have not been compliant for 11 years and things will be more costly for developers with the new process.

Trustee Mitchell joined the work session at 6:38 PM.

We rely on Chaffee County as the Administrator of the building code but there are instances where they do not require permits and there are instances where building is happening in the flood plain; FEMA wants inspections on structures in the flood plain at the time of framing and after the structure is built; FEMA is doing "map modernization" with a goal of taking their official map and making it digital and offering options of how much municipalities want to be in the process; they are suggesting budgeting for \$2500/year for two years to map the flood fringe and flood way and noted this is in the "community assistance" item of the budget; provided numerous handouts; noted the IBC has things that are tied to the NFIP; if the Town issues a permit in error and allows a structure to be built not to standards of the code the harm is on the homeowner when they get their building inspected. The work session concluded at 6:52 PM.

**CALL TO ORDER**

A Regular meeting of the Board of Trustees was called to order at 7:01 PM, Tuesday, October 13, 2009, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Brett Mitchell, Duff Lacy, Joel Benson, Keith Baker, Robert Flint, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Airport Manager Bob Johnson, Public Works Director Roy Gertson, Police Chief Jimmy Tidwell, Town Engineer Rachel Friedman, Town Planner Shannon Haydin, Town Treasurer Christine DeChristopher and Town Clerk Spomer. Trustee Nyberg was absent.

**ROLL CALL**

Town Clerk Spomer proceeded with the roll call and declared a quorum.

**PLEDGE OF ALLEGIANCE**

Mayor Russell led in the Pledge of Allegiance.

**AGENDA ADOPTION**

**Motion #1** by Trustee Flint, seconded by Trustee Baker, to adopt the agenda as presented.

Town Clerk Spomer requested that item A under New Business be removed from the agenda because of a posting and mailing deficiency and noted the item will be on the October 27 agenda.

Trustee Flint amended his motion, seconded by Trustee Baker, to adopt the agenda as amended.

## **CONSENT AGENDA**

### **A. Minutes**

1. Regular Meeting – September 22, 2009

### **B. Advisory Board Minutes**

1. Airport Board
2. Beautification Advisory Board
3. Trails Advisory Board

- C. Should the Board approve adoption of Resolution #80, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, ENTERING INTO AN EASEMENT AGREEMENT TO PROVIDE A UTILITY EASEMENT ON THE WATER TREATMENT PLANT PROPERTY TO THE SANGRE DE CRISTO ELECTRIC ASSOCIATION FOR THE BENEFIT OF THE COMMUNITY OF BUENA VISTA**"?
- D. Should the Board approve adoption of Resolution #81, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, ENTERING INTO AN EASEMENT AGREEMENT TO PROVIDE A UTILITY EASEMENT ON THE MOUNT OLIVET CEMETERY TO THE SANGRE DE CRISTO ELECTRIC ASSOCIATION FOR THE BENEFIT OF THE COMMUNITY OF BUENA VISTA**"?
- E. Should the Board approve adoption of Resolution #82, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, GRANTING THE AWARD AND APPROVING THE EXECUTION OF A CONTRACT WITH KOLBE STRIPING, INC. FOR THE STREET STRIPING REPLACEMENT PROJECT**"?
- F. Should the Board approve adoption of Resolution #83, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, GRANTING THE AWARD AND APPROVING THE EXECUTION OF A CONTRACT WITH ALL WEST TREE SERVICE FOR THE PRUNING OF TREES IN BUENA VISTA**"?

Trustee Baker noted a correction on page 11 under Cara's remark ¾ of the way down the page it should be "under utilized asset"; referenced Oktoberfest in the Beautification minutes and stated they are usually in September; Keith asked if the easements were in "perpetuity". Lee Phillips noted they are. Roy Gertson added that they are electric utilities in both instances to improve their services for the treatment plant and the other is to get a link from Rodeo Road to W. Main Street. Keith asked if the striping contract was all paint. Roy advised it is. Trustee Benson asked about the estimated time for completion. Rachel spoke with Kolbe Striping and they will expedite today because of the weather and allow 90 days for flexibility.

Trustee Benson noted a correction after motion #5 should be "occasions"; on page 15 #1 at the bottom should be a bullet point and not a subsection; on page 16 the 5<sup>th</sup> bullet on port a johns, thought the port-a-johns "could suffice" rather than building; the 2<sup>nd</sup> bullet under Trustee/Staff about the water EQRs and up-zone asked if we could get this on an agenda for discussion. Mayor Russell clarified on the bullet point that leaving "this" in there is vague and she disagreed with the thought that there should be a penalty for the impact on affordable housing. Sue Boyd noted a memo in the packet, stated it will need more prep time and suggested before April.

**Motion #2** by Trustee Benson, seconded by Trustee Mitchell, to approve the Consent Agenda as amended. Motion carried.

## **PUBLIC COMMENT**

Bob Johnson, 16177 CR 350, defined the National Weather Service Cooperative Observer Program as a weather and climatic observer network with volunteers who annually make observations and provide vital

information for the airport and advised Council that Cal Anderson and Mal Sillars were presented with a 10 year volunteer certificate in recognition of their services.

Bob Freed and Mal Sillars held their comments to the terminal renovation discussion.

### **RESPONSE TO PUBLIC COMMENT**

Mayor Russell thanked Cal Anderson and Mal Sillars for their work and expressed it is nice to be recognized outside your own community.

### **OLD BUSINESS**

**CONTINUATION OF PUBLIC HEARING - Should the Board approve adoption of Ordinance #6, Series 2009, entitled "AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AMENDING CHAPTER 18-22(B) OF THE BUENA VISTA MUNICIPAL CODE REGARDING THE 2006 INTERNATIONAL RESIDENTIAL BUILDING CODE STANDARDS FOR SIDE AND REAR YARD SETBACKS"?**

Shannon Haydin met with Bill Paradise who suggested some language that deviates from what has been presented and asked Council to deny the request and she will prepare a new ordinance that would be amenable to the County.

Mayor Russell opened the public comment portion of the hearing at 7:13 PM with none received and closed the comment portion of the hearing.

Discussion followed on a completely different document being prepared and presented; make a motion to approve and everyone votes no.

**Motion #3** by Trustee Benson, seconded by Trustee Baker, to approve Ordinance #6. Motion failed.

Shannon stated a new Ordinance will be coming forward at the second meeting in November.

Should the Board approve adoption of Resolution #84, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES WITH LEADING EDGE STRATEGIES, LLC FOR CONSULTING SERVICES AT THE CENTRAL COLORADO REGIONAL AIRPORT**"?

Administrator Boyd noted the proposed change is to complement changing needs for consulting at the airport; Leading Edge is to provide technical expertise for management best practices, grant assurances, provide guidance on future marketing and feasibility of the airport, strategic planning and direction and the resolution of disputes and assistance with other related issues as required. Mr. Price was talked to about helping us do some market analysis and the business plan is not recommending any changes to the scope as outlined earlier but is an amendment to the scope of work.

Discussion followed on Mr. Price did the document review and where to look for additional information on our own; approximately \$500 has been utilized out of the \$4999; trying to schedule a time for Mr. Price to meet with the Airport Board possibly October 26; helping the business plan move forward and making sure it is sustainable; disputes at the airport and enforcement of rule infractions and why can't we enforce the rules (most of the tenants guilty of the infractions have a ground lease that have a relationship with an individual who holds the ground lease) and is not an easy issue to resolve; the Town has to get the lease holder to be accountable; the Police Dept. has been asked to address some infractions but some are not

code violations in the same way; waiting for input from the consultant before any action is taken; FAA is not "concerned as long as we are working on it" per conversations with the FAA Representative.

**Motion #4** by Trustee Flint, seconded by Trustee Mitchell, to approve Resolution #84, Series 2009. Trustee Benson abstained from the vote.

## **NEW BUSINESS**

### **PRESENTATION OF THE 2010 BUDGET**

Treasurer DeChristopher presented the first draft of the budget document with a supplemental packet for discussion at the work session on Saturday, October 17. The packet includes the responses the Town received from various organizations; the Work Session Saturday will be followed by Public Hearings in October and November with a final Public Hearing and adoption at the Dec 8 meeting. Christine outlined that she does not expect tax changes; Department Heads were asked to reduce non personnel items by 3%; Fire Department funds have been moved to the General Fund; set up a new fund for the cemetery to capture actual expenses and revenues; Adopt A Tree was moved to public support (community project); the chart of accounts will be redone and help us make decisions and capture data more accurately.

Should the Board approve adoption of Resolution #86, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, SUPPORTING THE GRANT APPLICATION FOR FIRE PREVENTION AND SAFETY FROM THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR THE PURCHASE OF EDUCATIONAL MATERIAL AND PROPS**"?

Town Treasurer DeChristopher discussed the grant with Darrell Pratt and Yvonne and stated Yvonne found the new grant from FEMA for fire prevention and safety. The Fire Department wants to replace the Sparky costume and car for their school programs; they spend \$800-\$1000 per year for fire prevention; \$15000 is the total project budget and we will get \$14,200 from FEMA with \$750 as a Town match which is our annual budget.

Discussion followed on grantors demanding things and substituting "will" in Sec. 2 "intends" to authorize the expenditure" and "intends to appropriate matching funds"; Sec. 3 change to "intends to" maintain.

**Motion #5** by Trustee Benson, seconded by Trustee Mitchell, to approve Resolution #86 with changes of "intends to" to Sec. 1, 2 and 3. Roll call vote: Benson-aye, Baker-aye, Flint-aye, Lacy-aye, Mitchell-aye. Motion carried.

Should the Board approve adoption of Resolution #87, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, AMENDING THE 2008 COMPREHENSIVE PLAN AND ADOPTING A PORTION OF THE 1999 COMPREHENSIVE PLAN PERTAINING TO THE 3 MILE PLANNING AREA**"?

Planner Haydin outlined that in getting materials together for The Meadows submittal, the Town needed a 3 mile area plan in place, the Comp. Plan talks about future growth but did not call out the 3 mile planning area as required by Statute. The 1999 Comp. Plan addressed the statutory requirement; this is a technicality so that we have proper tools in place and is a small piece to amend the Comp. Plan.

Discussion held on this is a section of the annexation Act that does not make sense but has to be done to make any annexation within the 3 mile area valid and has to be updated annually;

**Motion #6** by Trustee Baker, seconded by Trustee Flint, to approve Resolution #87. Motion carried.

A recess was taken from 7:52 PM to 8:00 PM.

## **DISCUSSION OF RENOVATION OF THE AIRPORT TERMINAL**

Administrator Boyd noted the terminal is one of two condo units now under Town ownership, we had an FAA grant with matching funds from CDOT to do renovations (\$214,000); RTA was awarded the contract to assist with renovation; two scopes of work have been done to-date (building assessment and scope for schematic drawings and cost estimates). The end of Aug. the Airport Board reviewed schematics and costs and made recommendation regarding prioritized implementation of that and we have probable costs from RTA: those on the first page are necessary to bring the building up-to-speed; the second page lists alternative options. The basic piece for recommendation and have money to do are improvements to 2<sup>nd</sup> floor offices and training room to accommodate short term leases for high altitude testing with the addition of an elevator to make second floor access ADA compliant and modifying restrooms on the first floor; consensus of the Airport Board was that a restaurant at the airport was not feasible at this time but the architect saw a solution on the 2<sup>nd</sup> floor at a later time with little cost. Sue asked for general direction from Council so that RTA can get a scope of Work for Phase II ready for approval on October 27 and reiterated the items on page 109 are recommendations, there is \$189,150 left to apply to what we do now, \$164,441 covers the most critical items and we hope to do one air handling unit but are \$5,000 short. Staff recommends setting \$24,709 aside and look for additional funding from an energy source to add to other funds to replace both air handling units and will bring approval documents to the next meeting if approved by Council.

Bob Freed, 16875 CR 363, noted that everyone agrees a restaurant is not feasible at this time and setting up utilities is useless; the Airport Board has been working on the renovation for almost a year and recommended getting the renovation going and forget the utilities.

Mal Sillars, 129 Baylor, added that the Airport Board made recommendations based on what was presented; have tried to be efficient with funds and how to make it go as far as it can; hoping for a conservative edge on the pricing and have some savings to do more on air handling and are ready for this to "move on".

Discussion followed on the Aug. 31 meeting with RTA and one air handling unit is on its "last leg" and do we have the luxury of waiting it out (not enough for two but when we put out to bid and there is extra money the handling units will rise to the top of the priority list); designating a space that could be converted later for a food service establishment (there is room at the east end of conference room for a fridge and microwave which is separate from doing something more significant sometime in the future); the architect recommends it could be designed with relatively little expense to be converted; concerns of a restaurant being proposed and being in competition with other businesses in town. Council gave consensus to proceed with items on page 109 for \$164,441 with staff looking for other funding options for the air handling units as soon as possible. RTA will have a Scope of Work for the Oct. 27 meeting.

#### **APPOINTMENT OF SHANNON HAYDIN TO THE CHAFFEE COUNTY HERITAGE AREA ADVISORY BOARD**

Mayor Russell noted this was briefly discussed at the previous meeting, Bev Kaiser was the appointed person but Cara stepped in after Bev's resignation and we are now recommending Shannon be appointed.

**Motion #7** by Trustee Flint, seconded by Trustee Mitchell, to appoint Shannon Haydin to the Chaffee County Heritage Area Advisory Board. Motion carried.

#### **STAFF REPORTS** **TOWN ADMINISTRATOR:**

Administrator Boyd had the following items to cover:

- We have a flier outlining components of the Energy Summit to be held on Thursday; Trustees Baker and Flint and I will be attending all three sessions and invited Council.
- We are discussing modifications to The Meadows annexation Agreement and Lee will meet with John Cogswell later this week; there has not been enough detail submitted to get to the point where anyone is comfortable with recommending approval of the Service Plan; John understood we were not going to be able to do a full-blown approval of the service plan due to lack of sufficient engineering detail. UAWCD is a referral agent that has commented they have enough water to conceptually provide augmentation water but, until a more detailed application and engineering detail is submitted will only give conceptual approval. Lee Phillips noted the Statute puts the Board as a "gate keeper" with approval for the proposed water service, the Board can conditionally approve it but will need more detail for full approval; we will have a resolution conditionally approving the service plan with conditions and a water agreement with Upper Ark; P&Z will have a Sketch Plan hearing on October 21 and the requirement for a joint Sketch Plan review will be proposed to be waived in order to do the meeting on November 10 and a resolution for the waiver will be prepared for the next meeting.
- Met with Jed Selby last Friday regarding the restroom issue and he came up with some creative ideas and we hope to have a clear game plan before summer and can possibly phase the restrooms in; we also discussed the restrooms being incorporated into the Park and Rec. Master Plan process. Robert Flint noted the BV San. Dist planned for sewer line facilities for that building.
- We offered the position as BVTV video taper to Tim Jaster; we had four well qualified applicants and wondered if this project could have an Advisory Board.
- Trustee Benson referenced an e-mail on Action 22 and asked what Action 22 was. Mayor Russell noted it is a consortium of 22 counties in central, southern and eastern Colorado to give us more power on a state level to work together as a unit to seek progress on various items and felt it was "hit and miss" for Chaffee County the last few years. Council asked that Kathy Garcia come and advise on how our needs are being met. Discussion held on diversification of the counties.
- Mayor Russell asked about the Economic Development Corporation. Sue stated Dennis Giese is the best source of information; a question arose if they are seeking additional funding to move forward and don't have an answer but believe they are seeking a board and moving forward.
- Trustee Benson referenced a letter about Gregg Drive and the upper main connection piece where Deb Downes said "don't do it". Sue advised that one thing in the letter was to consult with our DOLA Rep. who discouraged spending energy on the project because they believe money will dry-up when the legislature cuts; Chaffee County is not situated for funding for that stream because of mineral extraction here and she suggested looking into a CDBG economic funding stream instead and that is the plan we may want to discuss Saturday to see about moving forward with the project. Joel asked about the Administrator priorities we have not addressed and encouraged addressing the vendor code – Sue advised it is slated for 2010; Joel asked about the Comp. Plan implementation plan. Sue will add it to the list. Cara and Shannon will look at what land use pieces make sense and what is administrative related; Evelyn Baker will join the conversation. Joel suggested the Board made a motion almost 2 years ago about the RFP for the engineer as SGM's job description would change with the addition of Rachel and the need for discussion. Cara suggested adding what the County Building Department does and if we need to look at it more closely. Joel requested the Texaco building issue being addressed earlier than later and also the EQR tap fee by possibly January.

#### **TOWN TREASURER:**

- Mayor Russell asked about sales tax figures. Christine had not received them yet. Cara asked about the purchased vehicles. Christine cut a check from the invoice but we have no vehicles yet, they are for the Police Department and we are waiting to pay for them when they show up.
- Trustee Baker left the meeting.

#### **PUBLIC WORKS DEPARTMENT**

- Trustee Benson asked if the tree that fell was on the removal list. Roy stated it was a private tree and will talk to the Tree Board about others around town that are not getting extra water.

- Mayor Russell noticed a new animal control van and asked if the old one will be surplus. Sue stated the old animal control van is now being stored at Public Works for use by staff members.
- Town Engineer Friedman referenced her memo on the EQRs available (page 164) with a summary on table 1 (page 170) and noted it is a starting point; we have treatment capacity of 2.11 million gallons per day = 2700 taps (1 per residence); water rights are 3.88 CFS = 3200 taps; our capacity is limiting rather than our rights; we will have to increase capacity before we need more rights. Discussion followed.

#### **POLICE DEPARTMENT/CALL REPORT/MUNICIPAL COURT**

- Trustee Benson received a phone call expressing concerns of personnel issues being taken care of and felt Jimmy had things under control. Chief Tidwell spoke with the Town Attorney. Lee Phillips added that everything has been handled properly; incidents were referred to an outside agency.

#### **TRUSTEE/STAFF INTERACTION**

- Town Planner Haydin advised Council that Alan Robinson spoke with the Trails Board and they want the Trustees to consider doing a letter of support pledging or agreeing to contribute 40 hrs. of staff time to do a State Trails Grant for the feasibility of a multi-use trail from Leadville to Salida using existing facilities. Staff feels it is a good idea and is manageable with what is being requested. Sue Boyd added that the Trails Board was looking at what was "ready" for a State Trails Grant, there are projects ready but they are not "shovel ready" and are small and maintenance oriented, the Town does not have a competing local grant proposed at this time. Council felt it was a positive thing and concurred with the Mayor signing the letter.
- Mayor Russell received an e-mail that due to the reduction of hours at the County Annex Building, on Election Day they will be closed and, if Council concurs, asked if she could write a letter asking for more consideration to be open on Election Day and felt it under represents BV citizens. Council gave consent on the letter. A ballot box will be at the school on that day only.
- Trustee Benson referred to a discussion of banner poles and advertising. Mayor Russell spoke with the Chamber Director and she will try to get the research done before the end of the month.
- Planner Haydin received a request for the Board of Appeals and expressed the need for a hearing date to be set and suggested Oct. 27 at 6:30 PM.

**Motion #8** by Trustee Benson, seconded by Trustee Mitchell, to set a Board of Appeals Variance Hearing on Oct. 27 at 6:30 PM. Motion carried.

- Trustee Mitchell spoke with Sue Boyd and others in Town regarding the airport and suggested open discussions of operating the airport as a city-run business or look at putting it out for bid as an FBO. Felt government runs business terribly, historically it is tough for government to run a business and asked for input from Council. Brett advised that since we passed the sign code, a sign permitted by the grade school, Floyd's Barber Shop, has a sign on private property (in the bump-out). Shannon will let Lisa know and will make contact.
- Mayor Russell noted the FBO discussion came up at the Airport Board meeting and suggested Sue go through the analysis but keep it in mind.
- Town Planner Haydin noted Lisa is doing an analysis of who has a business license and a sign permit (40% have a sign); a press release was sent out and also the radio station to remind everyone of the opportunity to get current signs permitted. As long as we get the permit by Oct. 30 it will be under the old code but need to get them in and encouraged Council to talk to business owners.

#### **ADJOURNMENT**

**Motion #9** by Trustee Mitchell, seconded by Trustee Flint, noting that there being no further business to come before the Board declared that the meeting be adjourned at 9:15 PM. Motion carried.

Respectfully submitted:

  
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 Mayor, Cara Russell

  
Town Clerk, Diane Spomer